

Claims 1-24 are now pending the above-referenced patent application. No claims have been cancelled or added. No claims have been amended.

The disclosure was objected because of informalities. The inadvertent typographical error has been corrected; thus it is respectfully requested that Examiner withdrawn her objection.

Claims 1, 9, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Kokai application. This rejection by the Examiner of these claims is respectfully traversed.

The Examiner admits that the Kokai application fails to teach a digital imaging array. However, the Examiner takes Official Notice that a digital imaging array "produces less noise and allows for easier storage," and, therefore, according to the Examiner, "it would have been obvious ... to include a digital imaging array for outputting signals to be processed." This taking of Official Notice by the Examiner is specifically traversed. For example, it is not necessarily true that a digital imaging array produces less noise and allows for easier storage. The subject of the above-referenced patent application, for example, is addressing fixed pattern noise, which is not a problem for imaging devices based on analog technology. Furthermore, it is not necessarily true that digital arrays allow for easier storage. Analog storage technology for images has been known for quite some time, is a mature technology, and may be less expensive than storage involving digital electronic devices. Magnetic tape, for example, is relatively inexpensive. The Examiner, therefore, must provide prior art that teaches all of her asserted positions.

The Examiner is also incorrect in her position that the Kokai application teaches processing saturated signals differently than non-saturated signals. The Examiner appears to have equated saturated to "bright"; however, these concepts are not equivalent. The meaning of saturated in this context is made clear on page 4, lines 15-22, of the specification of the above-referenced patent application. It states:

As previously described, one problem with this approach of technique is that it introduces additional complexity in comparison with approaches that do not employ binary digital signals or bits. For example, when employing binary digital signals of a fixed length, the dynamic range for the intensity of light received by a pixel of the imaging array is inherently limited. Therefore, when a pixel is exposed to an intensity of light that exceeds that dynamic range, the image quality is affected because the digital pixel output signal becomes saturated or

clipped and, therefore, the output signal of the pixel is not an accurate representation of the intensity of the light to which the pixel was exposed.(emphasis supplied)

This is not the situation or problem addressed in the Kokai application cited. As the Examiner has conceded, that document does not involve a digital imaging array. Therefore, as indicated by the excerpt above, saturation is not a problem for analog imaging systems. Therefore, one of ordinary skill in the art having the Kokai application before him or her would not have been able to come up with the invention as claimed because that document does not even recognize the problem addressed by embodiments of the present invention within the scope of claims 1, 9, or 17, for example.

Instead, the Kokai application cited effectively teaches away from the invention as recited in these claims. The problem addressed in that document is not one regarding saturation or clipping. Instead, the problem is that the presence of high luminosity in an image makes the remainder of the image appear dark, relatively speaking. This is indicated, for example, in the first paragraph of page 4. Therefore, the situations are not analogous. For these, as well as other reasons, it is respectfully asserted that the cited document does not render the invention as recited in claims 1, 9, and 17 unpatentable. It is respectfully requested that the Examiner withdraw her rejection as to these claims.

Claims 2-8, 10-16, and 18-24 are rejected under 35 U.S.C. 103(a) as being unpatentable the Kokai application and Takase. This rejection by the Examiner as to these claims is respectfully traversed.

Applicants do not concede that the Examiner has properly combined these documents, in fact, Applicants believe the combination to be improper. However, assuming, simply for the sake of argument, that such a combination were proper, nonetheless, the combination would fail to produce the invention as claimed.

As indicated above, the Kokai application does not teach processing saturated signals differently than non-saturated signals. The rejected claims depend from and include all of the limitations of one of claims 1, 9, and 17. Therefore, even if the combination were proper, the combination would still fail to produce the invention as claimed. As indicated above, one of ordinary

skill in the art having the Kokai application, and now also the Takase patent, before him or her would not be able to produce the invention, even assuming the combination were proper, although it is again asserted that the combination is not. Therefore, it is respectfully requested that the Examiner withdraw her rejection as to these claims as well.

CONCLUSION

In view of the foregoing, it is respectfully asserted that all claims pending in this continuation prosecution patent application are in condition for allowance. If the Examiner has any questions, he is invited to contact the undersigned at (503) 264-0967. Reconsideration of this patent application and early allowance of all the claims is respectfully requested.

Respectfully submitted,



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